

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

**DECISION AND ORDER**

NICOLE PRESUTTI

13-CR-270S

Defendant.

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1. On October 29, 2015, the Defendant pled guilty to Count 1 of the Superseding Indictment (Docket No. 62) charging a violation of Title 21 U.S.C. §846 (Conspiracy to Possess with Intent to Distribute, and to Distribute, Cocaine Base).

2. On October 29, 2015, the Honorable Leslie G. Foschio, United States Magistrate Judge, filed a Report and Recommendation (Docket No. 119) recommending that Defendant's plea of guilty be accepted and the Defendant adjudicated guilty.

3. This Court has not received objections to the Report and Recommendation in accordance with 28 U.S.C. §636(b)(1) and Local Rule 59(b).

4. This Court has carefully reviewed *de novo* Judge Foschio's October 29, 2015, Report and Recommendation, the plea agreement, the superseding indictment, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Foschio's Report and Recommendation, and will accept Judge Foschio's recommendation that Defendant's plea of guilty be accepted and that the Defendant be adjudicated guilty as charged.

IT HEREBY IS ORDERED, that this Court accepts Judge Foschio's October 29, 2015, Report and Recommendation (Docket No. 119) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that the plea of guilty of Defendant Nicole Presutti is accepted, and she is now adjudged guilty of Title 21, U.S.C. §846. .

SO ORDERED.

Dated: November 24, 2015  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge